

**CNCDH**

COMMISSION NATIONALE  
CONSULTATIVE  
DES DROITS DE L'HOMME

RÉPUBLIQUE FRANÇAISE

YEAR 2017

LES **E**SSENTIELS

**REPORT ON  
THE FIGHT  
AGAINST RACISM,  
ANTISEMITISM AND  
XENOPHOBIA**





**Beyond a simple question of morality, the fight against racism is a public utility mission, as racism is an abandonment of republican values and a threat to democracy.**



*Extract from the CNCDH 2017 report on the fight against racism, anti-Semitism and xenophobia.*

## A few definitions

### Anti-semitism

A systematically hostile attitude towards Jews, anyone perceived to be Jewish, and/or their religion.

### Racial discrimination

Any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life. [*International Convention on the Elimination of All Forms of Racial Discrimination, Article 1*]

### Islamophobia

A systematically hostile attitude towards Muslims, those perceived to be Muslim, and/or towards Islam.



### Prejudice

Preconceived opinions which are adopted against a person, a group of people, their behaviour or lifestyle, and which involve categorising them without basis or knowledge.

### Racism

Ideology based on the belief that there is a hierarchy between human groups, "races".

By extension: a systematically hostile attitude towards a specific category of people.

### Xenophobia

Systematic hostility expressed towards foreigners and/or people perceived as foreigners.



# **SITUATIONAL ANALYSIS OF RACISM IN FRANCE**

## Stabilisation of the tolerance index



The survey on current public opinion commissioned by the CNCDH since 1990 was carried out this year between 6 and 14 November 2017 by the IPSOS polling institute. The results were analysed by the following researchers: Nonna Mayer, Guy Michelat, Vincent Tiberj and Tommaso Vitale.

The longitudinal tolerance index, which ranges from 0 to 100, stabilised in 2017, after three consecutive years of growth (+10 points from 2013 to 2016). Significant differences may be observed among minorities: the index is set at 34 for groups making up the “Roma community”, compared with 61 for Muslims, 72 for Maghrebis and 78 for black people and Jews. Black people (-3 points) and the Roma (- 2 points) saw a decrease in tolerance shown to them, unlike Jews, Muslims and Maghrebis, whose situation remains stable.

**64** in 2017, the tolerance index stabilised at 64 points.

It is set at :

**34** for Roma

**61** for muslims

**72** for Maghrebis

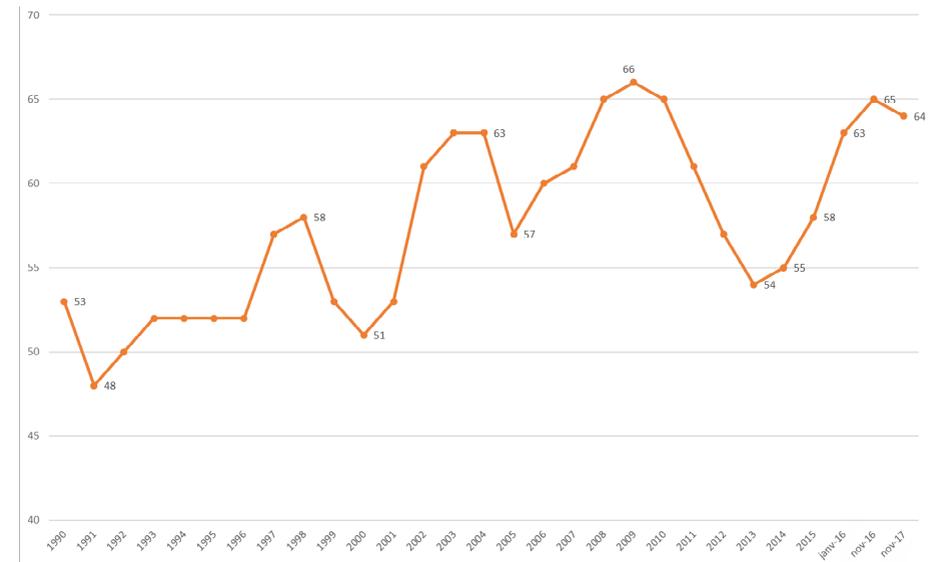
**78** pour black people and Jews

It has decreased by 3 points for black people and by 2 points for Roma compared to 2016.



An index close to 100 shows a high level of tolerance; the closer the number is to 0, the lower tolerance levels are.

Longitudinal tolerance index (1990 - november 2017)



The longitudinal tolerance index was created in 2008 by Vincent Tiberj, a university professor associated with the Emile Durkheim Centre of Sciences Po Bordeaux. It is designed to measure overall changes in prejudice in Metropolitan France since 1990. The 2016 survey (01) was carried out in January and the 2016 survey (2) in October.

This high level of tolerance is surprising to say the least as the context seems unlikely to favour acceptance of the 'other' (terrorism, migrant arrivals, unemployment, prevalence of security topics in the media, rise of populist movements in Europe, etc.).

**Nevertheless, past results of the longitudinal tolerance index teach us that terrorist attacks do not automatically increase rejection of the 'other'.** Hence, racial tension was not observed following the 1995 attacks; in fact, there was even an increase in tolerance after 2001, and also after 2015 (January and November attacks). However, the index dropped between 2004 and 2005, linked, in particular, with the riots in the suburbs. One thing is clear: **the predominance of tendencies towards tolerance or intolerance, which coexist in all of us, depends less on context than on the manner in which the political, media and social elite "frame" such tendencies.** Their responsibility is therefore particularly significant.



**Predominance of tendencies towards tolerance or intolerance, which coexist in all of us, depends on many factors.**



In this respect, although the events of 2017 have caused strong views to be expressed in public places, the election cycle (presidential and legislative campaigns) focused on the theme of renewal and not on identity issues related to the terrorist threat and immigration, as many observers had expected.

However, stagnation of the index begs the question: **has France reached a plateau in its tolerance level ?** Henceforth, those who persist in their rejection of immigrants may well have structured, focused opinions and would therefore, they would be less sensitive to context. This is just one example of many possible scenarios.

One may also wonder whether we are **heading towards an increase in tolerance over the long-term, resulting from higher education levels and generational renewal.** If each new cohort is more tolerant than its predecessor, it is so much due to age, but rather to effects of the context in which they are socialised, with older cohorts reflecting a certain collective imagination specific to the era they grew up.



Beyond this, predisposition to tolerance is linked to various factors: **the level of ethnocentrism** (authoritarian and hierarchical vision of society), **political sensitivity**, the **way in which the economic crisis is experienced and experiences of socialisation linked to transnational practices** (such as periods studying or working abroad). **Daily contact with people of diverse origins** can also facilitate development of positive attitudes towards otherness.

Furthermore, **more detailed knowledge on stigmatised groups** and a **positive view of such groups in the public sphere** work towards reducing prejudices.



## Transitioning to action: evolution and structure of racially-motivated delinquency



Changes in racist acts and opinions conform to distinct rationales. Fortunately, prejudice does not systematically lead to action. Nor can changes in French public opinion as a whole be inferred from transition to action, which only concerns a minority of individuals. And yet there is a limit to the separation of act and opinion in that a racially motivated offence necessarily stems from racial prejudice.

### Racism as declared by victims

Over the 2012-2016 period, in Metropolitan France, approximately 690,000 people a year aged 14 or over declared that they had been subject to racial insults (1 in 75), 126,000 declared that they had been subject to racist threats (1 in 400) and, finally, 71,000 declared that they had been subject to racially-motivated violence (1 in 700). People from migrant groups were overrepresented.

**Thus, racism in all its forms affects the daily lives of many people in France.** Those who fall victim to physical violence are in the minority as racism usually manifests itself in subtler ways. Hostile and suspicious looks in the street, regular police checks, access to nightclubs denied, checks carried out on young people on school outings, insulting and inappropriate

remarks, “notes” in classrooms, difficulties finding accommodation or employment, etc. Associations interviewed suggest a form of trivialisation and of habituation on the part of victims faced with these everyday expressions of racism. Such incidents, which have a real impact on people’s lives, are only infrequently reported and tend to be eclipsed by a few very violent and highly mediatised acts.

Annual average over the 2012-2016 period:

# 690 000

people aged 14 or over declared that they were subject to racial insults.

# 126 000

declared that they had received racial threats.

# 71 000

suffered racial violence.

*Source: 2013-2017 "Living environment and security" surveys, INSEE-ONDRP (National Observatory on Delinquency and Legal Response) – SSMSI (Ministerial Internal Security Statistics Department)*



### Racism reported to the gendarmerie and police forces



#### The dark figure

Racism reported to authorities represents only a tiny proportion of the racist acts committed in France, as unlawful acts are vastly underreported ("dark figure"). Hence, the complaint rate is estimated to be 3% for racial insults, 17% for racial threats and 30% for racial violence.

**The gendarmerie and police forces record a monthly average of nearly 750 complaints based on offences committed "due to race, origin, ethnicity or religion" (not including log books and legal investigation reports).** With approximately 8,700 procedures recorded in 2017 (of which 59% were crimes and offences and 41% were level-4 and level-5 summary offences), a downward trend is to be observed over the last two years. The trend should be put into perspective with the peaks in racist acts that occurred following the January and November 2015 attacks.

**The general structure of racist litigation remains unchanged.** The vast majority of cases relate to provocations, insults and defamation, and to a lesser extent to threats, discrimination and attacks against individuals and property. Such acts are often committed in public places (street, workplace, place of study, etc.) and are more concentrated in large urban areas.



**8 700**

Approximately 8,700 proceedings were recorded in 2017, representing nearly 750 complaints per month.



There has been a downwards trend in racial acts over the last two years, recorded acts having decreased by more than half.



Proceedings mainly concern provocations, insults and defamation.

*Source: SSMSI (ministerial national security statistical department), database of procedures recorded by the gendarmerie and police forces, 2016 and 2017*

## The legal response en 2016

*Source: Ministry of Justice/SG-SDSE-SID (General Secretariat - Sub-directorate for Statistics and Studies - Decision-making Information System) criminal statistics, DACG-PEPP (Division for Criminal Affairs and Pardons - Criminal policy assessment department) processing*

*The victim's feeling that justice has been done and any reduction in the risk of the perpetrator reoffending or repeating the act depend on the quality of the legal response given once the case has been resolved.*

**In 2016, 7,664 cases involving one or more offences committed due to the victims' religion or origin of the victim were referred by public prosecutors' offices, representing a substantial increase between 2013 and 2016 (+44%).**

This increase may be due to better reporting of such acts by their victims, which appears to be consistent with the efforts made by the public authorities to tackle the "dark figure".

**There is a very high rate of cases abandoned by the public prosecutors' offices (one out of every two cases), due to the impossibility of prosecuting the perpetrator.**

The lack of an adequately characterised offence **is often the cause of this (up**

**to 75%),** which leads us to question the way in which investigations are conducted.

**39% of cases which are not abandoned result in legal proceedings (i.e. a trial),** a lower proportion than for general disputes (44%). **In 61% of cases, an alternative procedure,** often with an educational purpose, **is preferred.**

The CNCDH can only recommend taking advantage of the wide range of possible sentences provided for by the Criminal Code, in order to better fit the punishment to the offence and its perpetrator's personality.

## Trends observed by the Ministry of the Interior regarding anti-Semitic, anti-Muslim and other acts

**There has been a downwards trend in racist acts over the last two years,** with recorded acts decreasing by more than half in three years. A 16% decrease was recorded over the past year (950 acts in 2017, as against 1,128 in 2016). Even when using years prior to 2015 as a reference, the overall volume appears to be particularly low. However, **in the long term, the trend curve of acts of a racist nature remains particularly worrying.**

Furthermore, although “threats”, which represent almost 3/4 of recorded acts, have fallen yet again this year (-23%), “actions” are on the rise (+11%), indicating a worrying progression of racial violence.

More specifically, the following have been noted:

- Anti-Semitic acts have been on the decline since 2014, with a slight decline of 7% during the past year, representing a total of 311 acts (compared with 335 in 2015), of which 214 were “threats” (-17%) and 97 “actions” (+26%).
- Anti-Muslim acts recorded an overall decline of 35% over the past year, representing 121 acts (as against 185 in 2016) comprising 72 “actions” (+88%) and 49 “threats” (-59%).
- Other acts, grouped together in the generic category “racist acts”, recorded a 15% decrease, with total of 518 acts in 2016 (as against 608 in 2016), of which 85 were “actions” (+ 1%) and 433 “threats”(-17%).



**+ 11 %**

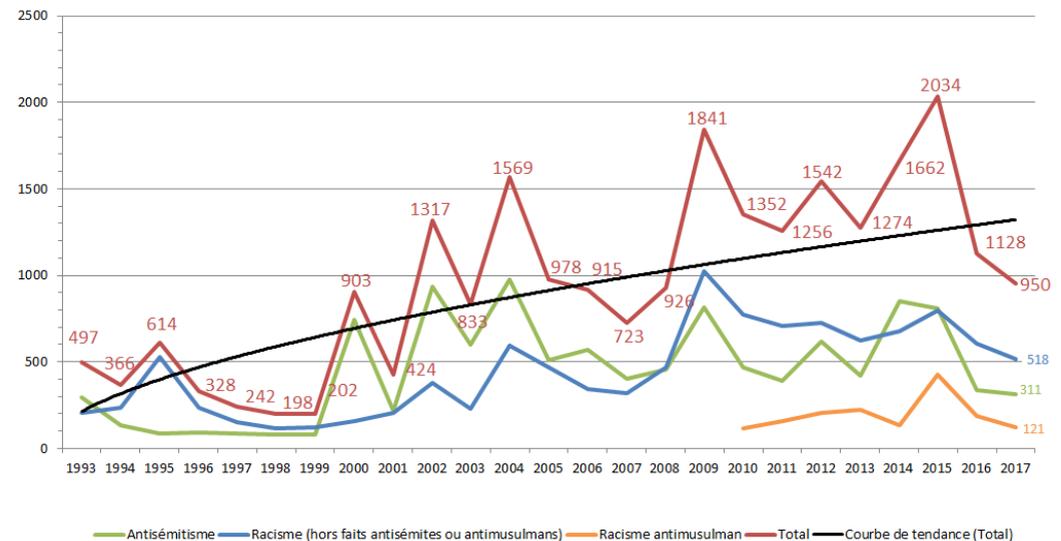
-Unlike threats, recorded “actions” are growing, which reveals a worrying increase in racial violence

The nomenclature used by the Ministry of the Interior/SCRT (Central territorial intelligence service) is the following:

- “Actions”: homicides, attacks and attempts, fires, damage, violence and assault (whatever the total incapacity for work).
- “Threats”: remarks, threatening behaviour and abusive displays, inscriptions, leaflets and letters.



**Evolution of acts of a racist nature recorded by the SCRT**



Source: SCRT (Central territorial intelligence service), reported acts falling under the category of “actions” (homicides, attacks and attempts, fires, damage, violence and assault) and “threats” (remarks, threatening behaviour and abusive displays, inscriptions, leaflets and letters), in 2017.

## Anti-semitism

Since the early 2000s, Jews have been one of the most highly regarded minorities in France. Nevertheless, the persistence of old anti-Semitic prejudices and the violent acts they have been victims of continue to require extreme vigilance.

**A minority that remains one of the best accepted in public opinion, despite persistence of old anti-Semitic prejudices**

The Jewish minority remains especially well accepted in public opinion. However, there is observable persistence of old anti-Semitic prejudices that link Jews with money and power and criticise them for their communitarianism. This observation qualifies the hypothesis of a "new anti-Semitism" sui generis (polarised by the issue of Israel and Zionism) taking the place of the old form. Although the CNCDH study has confirmed the existence of a "new Judeophobia", it appears to be a minority prejudice and sufficiently robust statistical and scientific evidence is required in order to support this phenomenon.



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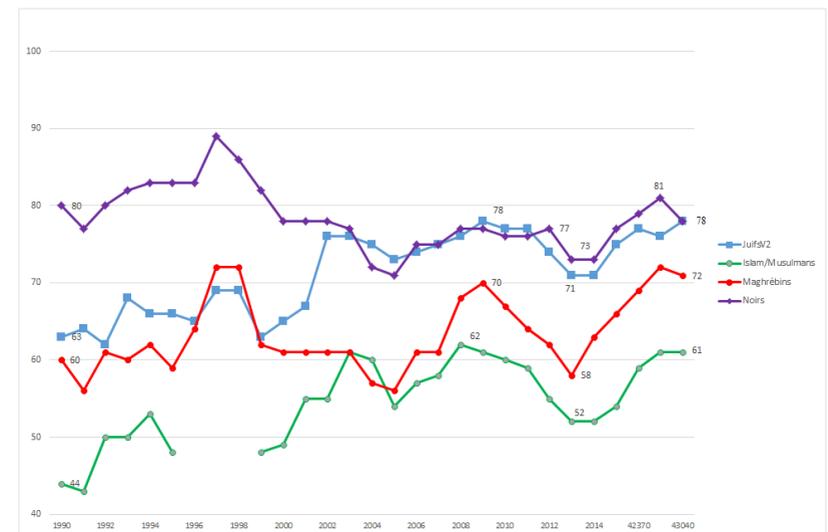
### Anti-Semitic acts

Contrary to received opinion, the evolution of recorded anti-Semitic acts appears to be more closely linked to the periodic peaks in the Israeli-Palestinian conflict since the 2000s (Second Intifada).

There has been a downward trend since 2014, however, largely due to protective measures set up by the public authorities as part of the Vigipirate plan. Nonetheless, in 2017, increases in the most violent anti-Semitic acts (+28%), which were widely reported in the media (the murder of Sarah Halimi, the sequestration of a Jewish family in Livry-Gargan, the desecration of the plaque in memory of Ilan Halimi), is extremely worrying.



### Evolution of tolerance indexes by minority between 1990 and 2017.



*In the tolerance indexes by minority, Jews are in first place along with black people, with a 20-point gap with the Muslim minority which is the least well accepted after the Roma community.*

## Islamophobia

*Although it has improved steadily over the last few years, the perception of Islam and Muslims remains a source of serious tension for part of society.*

### Lesser rejection but general unease

Recent evolutions in opinions of Muslims tend towards less rejection. However, they are still one of the least accepted minorities, with rejection often extending from Islam to all of its followers. There is also a degree of discomfort to be noted with regard to the religious practices most visible in the public sphere (such as wearing the veil). The rise of radical Islamism, the increase in attacks perpetrated in its name and debate on religious symbols in public places have progressively places Islam at the heart of political debate, contributing to creation of a general unease within society.

However, although arguments based on an alleged conflict of values are often raised, the CNCDH study reveals that, contrary to what might appear, aversion to Islam does not actually seem to be related to any stronger attachment to the principle of secularism, women’s rights or acceptance of sexual minorities – very much to the contrary, in fact.

### Anti-Muslim acts

There has been a downward trend over the last three years, with a return to a level similar to that observed in the years preceding the wave of 2015 attacks. However, a slight increase is to be observed as regards the most violent acts (+8%). Furthermore, several associations report the pervasiveness of cyberhate and condemn the emergence of “security Islamophobia” as well as abuses of security policies.



### Racism strongly correlated with rejection of immigrants

Aversion to Islam is often coupled with distrust of immigrants. In this particular configuration, immigrants are held responsible for the current economic and social situation, and even for insecurity, and part of public opinion accuses them of not respecting French customs and traditions. At the same time, converging sources testify to the fact that immigrants are over-represented among victims of racist acts, and highlight the ramifications that national and migration backgrounds have on inequality of access to social resources (employment, accommodation, etc.).



**However, although arguments based on an alleged conflict of values are often raised, the CNCDH study reveals that, contrary to what might appear, aversion to Islam does not actually seem to be related to any stronger attachment to the principle of secularism, women’s rights or acceptance of sexual minorities – very much to the contrary, in fact.**



## Anti-Roma racism

### What does it mean ?

The Roma community is in fact a patchwork of ethnic fragments, with a range of different legal statuses applied to its members (French citizens, foreign nationals and stateless people). According to official estimates, populations living in shantytowns – who are not all of Roma origin – account for between 15,000 and 20,000 people in France, i.e. 0.03% of the French population, a figure which has been stable for the last decade. Only a small minority of the Roma community live in extreme poverty.

Contrary to received ideas, France’s Roma communities do not have a nomadic culture: they live in shantytowns by default. The Roma community and Travellers are often confused in discourse and opinion:

- The Roma community encompasses people living on national soil, most of them from Central and Eastern European countries, who identify as Roma;
- Travellers fall under an administrative category. They are individuals, the majority of whom have French nationality, who have a traditional lifestyle originally based on mobility and travel, even though many of them are now sedentary.



*The Roma community is the group most misunderstood and rejected by the rest of the population. Although there was a significant decrease in such negative feelings as from January 2015, this trend seems to have come to a stop in 2017, with a slight decline to be observed in tolerance towards groups labelled as such.*

### Heightened racism against a misunderstood minority, behind violations of fundamental rights

Anti-Roma racism is expressed both by rejecting their cultural difference as a threat to national order, and by reference to biological racism, with the Roma community being seen as an “inferior group”, and even going as far as denying their humanity. Traditional stereotypes, reflecting a deep lack of understanding, remain widespread: the Roma community is seen as a homogeneous ethnic group of great poverty, which does not wish to integrate and appears to lead a reprehensible way of

life (nomadism, exploitation of children, theft, trafficking, begging, and insanitary conditions). Although the majority of Roma in France do not live in poverty, their image remains associated with imagined destitution and marginality.

Such prejudices are fed by public discourse, which tends to see the attitudes of integration initiative beneficiaries as the sole cause of their failure, by media hype with regard to the poverty of certain Roma groups, and by an ambiguous policy on “management” of shantytowns, with repressive approaches often being prioritised. Hence, numerous families are discriminated against and deprived of rights as fundamental as the right to safety, health, education and freedom of movement.



### A relative improvement in their image

Even though prejudice and feelings of fear and hostility continue to intermingle with particular intensity and strength in the case of the Roma community, the trend is nevertheless slowly reversing. In November 2017, only 51% of the CNCDH survey sample thought that the Roma community did not want to integrate in France, as against 77% in December 2014. Over the past few years, the Roma community has been less talked of but in better terms. The activism of associations defending the Roma community's rights has consolidated and begun to pay off. The spectacular growth of the opinion according to which “the extermination of Gypsies and the Roma people during the Second World War is not spoken about enough” attests to the impact of mobilisation for acknowledgment of the Roma community and the fight against the prejudices to which they are subjected.

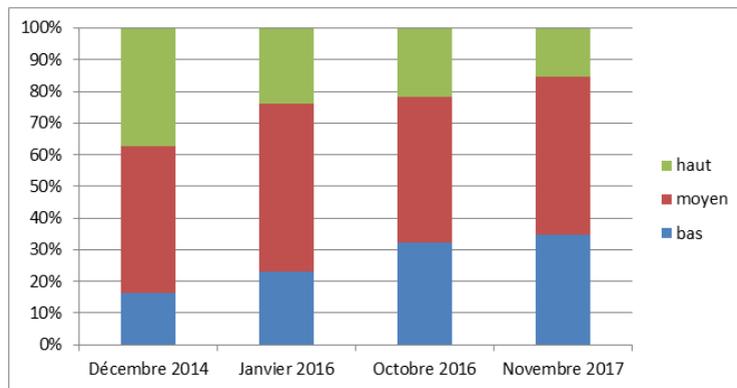


Contacts developed in places not associated with such stereotypes (school playgrounds, town fêtes, etc.) lead to deconstruction of various prejudices. Successful implementation of increasing numbers of local integration policies should be highlighted in this respect. It also seems that the media are finally starting to pay a little more attention to successful cases of integration.

Despite this positive trend, the decline observed this year most probably reveals the lack of resources available to organisations committed to such action, the absence of large scale campaigns, and a lack of political commitment.



### Romaphobia scale ( in % )



The “Romaphobia” scale classifies respondents by level of prejudice, from lowest to highest, the latter bringing together respondents with the strongest prejudices against the Roma community. On this scale, hostility towards Roma has fallen since the end of 2014, with the proportion of high scores dropping from 37.3% to 15.4%, and the percentage of low scores increasing significantly, from 16.5% to 34.9% by the end of 2017.



## Conclusion

Following three consecutive years of growth, tolerance in public opinion has stabilised. Ongoing vigilance is required, however, as tolerance, which reflects the manner in which society collectively builds its relationship with otherness, appears to fluctuate. And racism, as a social construction functioning as a divider between a “them” and an “us”, is constantly regenerating, in terms of its nature, targets and modes of expression alike.

### More specifically :

- The racism demonstrated may be put down to a minority of the French population and should not be considered inevitable as its progression it not fixed over the long-term.
- Although the antiracist social norm has taken root in France (in other words, the majority of the population condemns racism on principle), racist prejudices are far from disappearing; arguments have simply evolved.
- Biological racism, which postulates a hierarchy of human races, is very uncommon these days; this type of racism is expressed more under its differentialist form, in which the lifestyles, ways of thinking and beliefs of 'others' are judged to be too different from the group we identify with.
- The hierarchy of rejections remains stable: Jewish, black and Asian minorities are still the best accepted, with Muslims being the least accepted, apart from the Roma community and Travellers who are by far the most rejected.
- The arguments put forward reveal an intermingling of several broad and complex issues: identity, citizenship, integration, migration history, nationality, skin colour, religion, etc.
- Racism generally manifests itself in subtle forms (rejection and alienation, bullying, discrimination, etc.), even though an increase in violent actions has been observed over the last years. Furthermore, the internet has become the vessel for an onslaught of hate speech.

The CNCDH is convinced that the fight against racism must above all be based on deconstruction of preconceived ideas and prejudices.

Prejudice, even if they may have a priori been seen as positive, may be covers for jealousy and resentment and may turn against the groups they apply to, such as those associating Jews with money or Asian people with effort. Many recent demonstrations of racism have illustrated this fact.

The next barometer reading will tell us whether the index has reached its limit or is falling.

We know that a wide range of factors can influence its evolution in the short and medium terms. The role of public action, and more generally the mobilisation of society as a whole, is a decisive factor in the promotion of “living” and “doing” together.



# PREVENTING AND FIGHTING RACISM



## Two points requiring vigilance

Firstly, the CNC DH has drawn the Government's attention to two topical points which it believes require particular vigilance.

### 1) European Parliament Resolution of 1 June 2017 on the fight against anti-Semitism

The European Parliament encourages States to adopt the following definition provided by the International Holocaust Remembrance Alliance (IHRA) : *“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities”*. The text then goes on to make multiple references to the State of Israel, so departing from its primary purpose.

The CNC DH is not in favour of the transposition of this definition in France for several reasons:

- Making such comparisons between different types of racism is not a legal tradition in France, as French law currently adopts a general definition of racism.

- Singling out anti-Semitism in such a manner with regard to other forms of racism could open Pandora's Box, encouraging other groups that are victims of racism to demand the same recognition.

- It would risk weakening the universal and indivisible approach of the anti-racist fight, which must prevail, even more so in a context in which affirmations of identity are exacerbated.

### 2) Worrying signs in European countries

Developments underway in European countries over the past few years (rise of populist movements, manipulation of fears, identitarian closure, etc.) are extremely worrying.

The ongoing power struggle means that French diplomacy must tackle such topics and be particularly active in promoting and defending democracy, the rule of law and the values promoted by the European Union

## The CNC DH's priority recommendations

The CNC DH has made a number of recommendations in its report; the main ones are summarised below.

**1** The CNC DH invites the public authorities **to train all officials carrying out public service missions** in the fight against racism and discrimination, by regularly assessing training modules on offer in order to ensure that the techniques and pedagogical choices made are suited to the objectives pursued and beneficiaries' expectations.

**2** The CNC DH recommends that the Government **support the organisation of mobilisation and awareness-raising campaigns targeting the general public, strengthen support provided to those on the ground**, who work most closely with the population, and **consolidate the territorial anchoring of policies against racism** (in particular in the context of operational committees against racism and anti-Semitism).



**3** The CNC DH encourages **the development of alternative indicators to administrative statistics**, such as victimisation or self-declared delinquency surveys, in order to accurately establish the characteristics of populations of aggressors and victims and identify the various motives for hatred of the 'other', with a view to directing public action. It also calls for public authorities to support research on these topics, and in particular the carrying out of a **new “Trajectories and Origins” survey**, inspired by the one conducted in 2008. Such surveys should include *Overseas départements*.

**4** The CNCDH recommends **appointing advisory investigators to police stations and gendarmerie companies, responsible for combating racism and discrimination**, in order to professionalise reception of victims and complaints. Furthermore, it calls for the Ministry of the Interior **to provide investigators with instructions aiming to proscribe (or strongly discourage) recording of police logs for offences of a racist nature**, as well as to encourage thorough investigations.



**6** The CNCDH recommends **monitoring implementation of group action on discrimination** and, if required, giving thought to improvements that would make it fully effective

**5** The CNCDH calls for **the Ministry of National Education** to implement the recommendations made in its 2016 report. It had in particular insisted on a dual necessity: an **increase training efforts** (particularly as regards media education) and **promotion of more active learning of citizenship** (collaborative student practices, argument, commitment, etc.), as a path enables students to better understand and assimilate the Republic's values. It would also be useful to carry out a review of the new moral and civic education, as well as of the entire citizen itinerary.

**7** The CNCDH draws attention to the need for France to **implement the recommendations of the treaty bodies relating to the problem of intersectionality (multidimensional discriminations)**. In order to do so, it would be desirable for France to lead a discussion on this more ambitious approach to discrimination and rethink its law, or failing that, the implementation of its law, never losing sight of victims' experiences.

**8** The CNCDH recommends that the State services draw up and oversee a **territorial strategy to eradicate shantytowns**, by providing alternative housing solutions and general support to people in relation to common law, **in liaison with all stakeholders concerned** (people in precarious housing situations, elected representatives, associations, support collectives and State services).



**9** The CNCDH calls for **overall coordinated action ensuring that all children are schooled**, regardless of their origin, and based on the specific complementary recommendations made in its report.

10

The CNCDH calls for supervisory authorities to **regulate checking practices more thoroughly:**

- by setting up a system for monitoring identity checks in gendarmerie and police units;
- by giving thought to possible reform of the criteria for assessing police work (to take greater consideration of compliance with ethics and interpersonal skills) and, where applicable, to the Organic Law on Finance Legislation of 1 August 2001 which makes granting of budget allocations dependent on results obtained, insofar as it is difficult to "produce statistics" on the effects of policing in terms of effectiveness and impact on the population;
- by encouraging supervisors to review the identity checks carried out by officers on patrol, on a regular basis, particularly during briefing and debriefing sessions.



11

The CNCDH asks the public authorities to **initiate in-depth discussion on public safety policy, on assessment methods measuring police performance by way of statistics, and on the missions assigned to the police responsibilities attributed by political stakeholders.** Such discussion could take into consideration the criteria of effectiveness, necessity and harm as defined by the ECRI in its general policy recommendation no. 11 on combating racism and racial discrimination in policing. It should also address the organisation of police work within the various units, the very concept of "maintaining law and order" in France, and means of bringing back a form of community neighbourhood policing.

12

The CNCDH recommends that the Government **ratify Protocol no.12 added to the *European Convention on Human Rights***, dated 4 November 2000 and providing for general prohibition of discrimination, and the ***International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families***, dated 18 December 1990, prohibiting any discrimination with regard to their fundamental rights.



**Let us hammer home what important levers education and culture are to deconstruct prejudices and to consequently combat racism. To best appropriate the values of the Republic, it is necessary to better understand them.**



## The interministerial plan de lutte to combat racism and anti-Semitism : current situation and prospectives



The Interministerial Plan to Fight against Racism and Anti-Semitism (PILCRA), is renewed every three years and is coordinated by the Interministerial Delegation for the Fight against Racism, Anti-Semitism and LGBT hatred (DILCRAH). It responds to the recommendation made by the CNCDH and to the commitment made by France before international bodies. The next Plan, expected in 2018, should follow on from its two predecessors. The last to date mobilised 100 million euros, to carry out actions at national level and contribute locally to boosting policies in favour of citizenship.

By letter dated 10 September 2017, the Interministerial delegate called upon the CNCDH to assess implementation of the 2015-2017 plan and contribute towards the preparation of the next one.

The CNCDH recalled **the essential principles which should guide public action against racism :**

- **Universality**, without establishing any hierarchy of any kind between different types of racism
- **Transversality and decartmentalisation**, without, for example, dissociating the fight against racism from that against discrimination related to racism
- **Action carried out on several complementary fronts**, with repressive aspects requiring ongoing efforts to prevent

and deconstruct prejudices

- **An interministerial and partnership approach**, mobilising all the Nation's vital forces, throughout France.
- **The exemplarity of public authorities**, both in word and deed, the latter being driven by ongoing determination to consolidate social ties.
- **Regular monitoring and assessment** of the action plan.

The CNCDH subsequently formulated **some forty recommendations.**

The majority of recommendations aim to mobilise society, promote “living” and “doing” together on a daily basis in all spheres of social life, regulate digital environments in order to combat the onslaught of hate on the internet, and, lastly, substantially push back the “dark figure” and improve judicial processing of racist offences.



**PLAN INTERMINISTÉRIEL DE LUTTE CONTRE LE RACISME ET L'ANTISÉMITISME : BILAN ET PERSPECTIVES**

19 DÉCEMBRE 2017



Link :

[www.cncdh.fr/fr/actualite/evaluation-du-plan-interministeriel-de-lutte-contre-le-racisme-pilcra](http://www.cncdh.fr/fr/actualite/evaluation-du-plan-interministeriel-de-lutte-contre-le-racisme-pilcra)

## International bodies' attitude



France has committed to complying with most European and international instruments promoting human rights and combating racism and must act in conformity to these instruments and report to international monitoring bodies regarding them. The French situation with regard to racism and related discrimination has been the subject of considerable attention over the last few years. Following the worries voiced by its peers in the context of the 2014 Universal Periodic Review (UPR), the United Nations Committee on the Elimination of Racial Discrimination (CERD) published its observations regarding France in 2015, closely followed by the European Commission against Racism and Intolerance (ECRI) in 2016. The topic was the subject of particularly sustained interest during the 3rd cycle of the UPR.



Overall, efforts made as part of the national action plan against racism and anti-Semitism have been commended. **However, French authorities have been challenged in particular with regard to :**

- The **increase in hate speech in the public sphere**
- The **discrimination that minorities are subject to and which are observed in their access to social life resources** (education, employment, housing, etc.)
- The **stigmatisation of Roma and Travellers** and the obstacles that they face with regard to accessing the most fundamental rights
- The **absence of any mechanism to collect data** on individuals who are victims of racism
- The **phenomenon of mass under-reporting of hate crimes**

- **The practice of ethnic profiling in identity checks** and, more generally, the strained relationship between the police and a proportion of the population

- **The need to ensure that sufficient resources are allocated to infrastructures and services required for protection of refugees and migrants, as well as to integration policies.**

**2018 will be a pivotal year** for France in terms of international deadlines. **France will submit its report to the CERD**, initially expected in August 2017. Furthermore, **the Human rights situation in France will be examined during the UPR**. Introduced in 2006, the UPR enables the United Nations to assess situation human rights situations in member States. Finally, **France should be subject to the interim follow-up process for the two recommendations made by the ECRI in 2016 :**

- **Combating racial and homo/transphobic prejudice**, in particular by reviewing school curricula and teacher-training

programmes in order to ensure that each individual better understands the societal issues related to religion, convictions, and the impact of immigration.

- **Taking immediate steps to ensure that no legitimate residence application made by vulnerable groups is refused.**

Furthermore, over the last year, **France has been challenged regarding the repercussions of anti-terrorist measures on racism and xenophobia**, in particular in terms of their disproportionate impact on individuals from Arab countries. The Council of Europe's Commissioner for Human Rights warned public authorities of the risks posed by the act reinforcing internal security and the fight against terrorism.

## « Us and them - from prejudice to racism » Exhibition, Musée de l'Homme

This exhibition, which was held from 31 March 2017 to 8 January 2018, is in line with the Musée de l'Homme's commitments to taking account of human diversity and absence of hierarchy between human beings. It was sponsored by UNESCO.

Calling on all sciences, from history to genetics, the exhibition aims to challenge the public on its own representations in order to make each individual aware of the prejudices that they might have through an understanding of the underlying mechanisms of the process of exclusion and of hatred of the 'other'.



Christine Lazerges, President of the CNCDH, spoke at the Museum on 18 November 2017, exploring intolerant and ethnocentric attitudes through the results of research carried out.

In Paris, the exhibition attracted 121,415 visitors. It will later travel around France and abroad and will be adapted into a series of educational tools.

<http://nouslesautres.museedelhomme.fr>



## Rights and duties in the fight against racism

Freedom of expression and opinion are fundamental rights, which are essential to democracy and pluralism. However, speech must remain responsible: not everything can be said or written. The right to express oneself ceases when abuse starts. [Article 10 of the *European Convention on Human Rights* ; article 11 of the 1789 *Declaration of the Rights of Man and of the Citizen*]

French law punishes public defamation of a racist nature, public insult of a racist nature, public incitement to racial hatred, public endorsement of war crimes or of crimes against humanity, the denial of crimes against humanity, non-public insults of a racist nature, non-public defamation of a racist nature, non-public incitement to racial hatred, racial discrimination as well as racist motives for certain common law crimes and offences, regarded as aggravating circumstances. Sanctions can be issued in the form of fines, or even imprisonment. [Law on the Freedom of the Press of 29 July 1881; provisions

of the *French Criminal Code*]

Any individual who is the victim of an offence of a racist nature is entitled to file a complaint at a gendarmerie or police station; the officer at reception is required to accept the individual's complaint. [Article 15-3 of the *Criminal Procedure Code*]

Any internet user may report content on the Internet which it considers illegal by using the Ministry of the Interior's reporting platform, "Pharos", or other platforms provided by commercial internet providers, or even by requesting the assistance of competent associations. [[www.internet-signalement.gouv.fr](http://www.internet-signalement.gouv.fr)]

## **One mandat, twenty-five years' expertise**

Pursuant to Act no. 90-615 of 13 July 1990, in its capacity as national rapporteur on the fight against racism, every year, the Commission nationale consultative des droits de l'homme – CNCDH (National Human Rights Commission) submits a report to the Government providing a summary of racism, anti-Semitism and xenophobia in France, as well as the countermeasures implemented by the Republic's institutions and civil society. The CNCDH formulates a series of recommendations with a view to better knowing, understanding and combating all forms of racism.

## **A duty of rigour, an analysis methodology**

Providing a situation analysis of racism in France requires a complex and delicate process. In addition, the CNCDH is committed to basing its analyses and recommendations on diverse and complementary tools such as opinion polls, analyses from CNCDH research partners, the Ministry of the Interior's statistical report on recorded racist acts, the Ministry of Justice's report on legal response, and the many contributions made by institutional, community and international actors. In 2017, the CNCDH continued to give thought to available indicators and their methodology.

## **L'état du racisme en France en 2017**

2017 was marked by stabilisation of the tolerance index and confirms the general downwards trend of racist acts reported to the gendarmerie and police forces, though such a trend must be put into perspective in light of the magnitude of under-reporting. Despite this positive trend, which is a cause for celebration, racism in France remains at a worrying level and a certain increase in the most violent acts requires extreme vigilance, as do the subtler manifestations of rejection that mark many people's everyday lives.